

Remarks/Arguments

Claims 1-6 are pending in this application. The Examiner has rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,366,257 to McPherson et al. ("McPherson"). In response, Applicant has amended independent claims 1, 4, and 5 to require that the second hollow fitting fit within the first hollow fitting. For the reasons set forth below, Applicant believes that this amendment overcomes the Examiner's rejection.

Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Found. for Med. Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing In re Robertson, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571, 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must describe and enable the claimed invention, **including all claim limitations**, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)); see also PPG Indus.,

Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Amended independent claims 1, 4, and 5 require, in part, "a second hollow fitting having first and second ends with the second end fitting within the second end of the first hollow fitting in sealed condition to define a fluid conduit extending through interiors of the first and second hollow fittings". As shown in Fig. 3, second hollow fitting 18 fits within the first hollow fitting 12, thereby allowing detent 42 of first hollow fitting 12 to engage with groove 44 of second hollow fitting 18 to define a fluid conduit 24 extending through the interiors of the first and second hollow fittings. (Specification, page 3, line 34 through page 4, line 7).

By contrast, McPherson discloses a metal insert 30 that is molded within a straight adapter 46, as shown in Fig. 7. (McPherson, col. 4, lines 5-8; col. 5, lines 19-23). Therefore, McPherson does not teach a second hollow fitting that fits within the second end of the first hollow fitting.

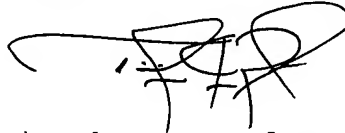
Accordingly, because McPherson does not teach each and every limitation of independent claims 1, 4, and 5 as amended, the Examiner's rejection based upon anticipation should be withdrawn.

Conclusion

In view of the above amendments and remarks, Applicant believes claims 1-6 are in condition for allowance and respectfully requests allowance of such claims. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515-558-0200.

Any fees or extensions of time believed to be due in connection with this amendment are enclosed with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 50-2098.

Respectfully submitted,



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